

1 Michael F. Ram (SBN 104805)  
2 mram@forthepeople.com  
3 Marie N. Appel (SBN 187483)  
4 mappel@forthepeople.com  
5 MORGAN & MORGAN  
6 COMPLEX LITIGATION GROUP  
7 711 Van Ness Avenue, Suite 500  
8 San Francisco, CA 94102  
9 Telephone: (415) 358-6913  
10 Facsimile: (415) 358-6293

11 *Attorneys for Plaintiff and the Proposed Class*  
12 [Additional Counsel Listed on Signature Page]

13  
14 **THE UNITED STATES DISTRICT COURT**  
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
16  
17 **OAKLAND DIVISION**

18 NICHOLAS KIS, individually and on behalf  
19 of all others similarly situated,

Case No. 4:22-cv-05322-JST

20 Plaintiff,

21 **PLAINTIFF'S STATEMENT OF**  
22 **RECENT DECISION**

23 vs.

Judge Jon S. Tigar

24 COGNISM, INC.,

25 Defendant.

26 Pursuant to Local Rule 7-3(d)(2), Plaintiff NICHOLAS KIS respectfully informs the  
27 Court of additional authority in opposition to Defendant's Motion to Dismiss (Dkt. 24). Attached  
28 hereto as **Exhibit A** is the Ninth Circuit's September 21, 2023, Order in a similar case, *Martinez*  
v. *ZoomInfo Technologies, Inc.*, Case No. 22-35305, affirming the district court's denial of  
defendant's motion to strike the complaint under California's anti-SLAPP law and finding that,  
at the motion to dismiss stage, the plaintiff had plausibly pleaded that she suffered sufficient  
injury to establish constitutional standing to sue.

1 Dated: September 21, 2023

By: /s/ Brittany Resch

2 Brittany Resch (*pro hac vice*)  
3 brittanyr@turkestrauss.com  
4 TURKE & STRAUSS LLP  
5 613 Williamson St., Suite 201  
6 Madison, Wisconsin 53703-3515  
7 Telephone: (608) 237-1775  
8 Facsimile: (608) 509-4423

9 Michael F. Ram (SBN 104805)  
10 mram@forthepeople.com  
11 Marie N. Appel (SBN 187483)  
12 mappel@forthepeople.com  
13 MORGAN & MORGAN  
14 COMPLEX LITIGATION GROUP  
15 711 Van Ness Avenue, Suite 500  
16 San Francisco, CA 94102  
17 Telephone: (415) 358-6913  
18 Facsimile: (415) 358-6923

19 Benjamin R. Osborn (*pro hac vice* forthcoming)  
20 ben@benosbornlaw.com  
21 LAW OFFICE OF BENJAMIN R. OSBORN  
22 102 Bergen Street  
23 Brooklyn, NY 11201  
24 Telephone: (347) 645-0464

25 *Attorneys for Plaintiff and the Proposed Classes*

**CERTIFICATE OF SERVICE**

I, Brittany Resch, hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record via the ECF system.

DATED this 21st day of September, 2023.

## TURKE & STRAUSS LLP

By: /s/ Brittany Resch  
Brittany Resch (*pro hac vice*)  
[brittanyr@turkestrauss.com](mailto:brittanyr@turkestrauss.com)  
TURKE & STRAUSS LLP  
613 Williamson St., Suite 201  
Madison, WI 53703  
Telephone: (608) 237-1775  
Facsimile: (608) 509-4423